

Phelan et al. -- Appln. No.: 10/072,962

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

The disclosure is objected to because of informalities. Claims 1-2, 17-18, 33-34, and 49-50 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kay et al. (U.S. Patent No. 6,430,602, "Kay"). Claims 1, 9-10, 13-17, 25-26, 29-33, 41-42, 45-49, 57-58, and 61-65 stand rejected under 35 U.S.C. 102(e) as being anticipated by Rosenfeld et al. (U.S. Patent App. 2004/0043760 A1, "Rosenfeld"). Claims 3-4, 19-20, 35-36, 51-52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Abo et al. (U.S. Patent 5,948,041, "Abo"). Claims 5-8, 21-24, 37-40, and 53-56 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Campbell (U.S. Patent App. 2004/0133799 A1). Claims 66-67 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Olivier (U.S. Patent 6,480,885).

Claims 1, 9-12, 17, 25-28, 33, 41-44, 49, and 57-60 are being amended. Claims 9-12, 25-28, 41-44, and 57-60, which depend from independent claims 1, 17, 33, and 49, respectively, are being amended to conform to the respective amended independent claims. Claims 68-75 are being added. No new matter is being introduced.

With regard to the objection to the disclosure, Applicants have amended the specification to correct the informalities. Applicants thank the Examiner for pointing out the grammatical errors, which have now been corrected as recommended.

With regard to the rejection of claims 1-2, 17-18, 33-34, and 49-50 under 35 U.S.C. 102(e), Applicants have amended independent claims 1, 17, 33, and 49 to recite

Phelan et al. -- Appln. No.: 10/072,962

that the "geographic locations of interest to a user" are "present and at least one past geographic locations of interest to a user."

Kay teaches a query system that is capable of responding to a query based on a user profile (Col. 5, lines 9-11 and 24-44). The system uses a message processor 12 and query response server 22 (FIG. 1) to respond to queries and issue messages in response. The user profile described by Kay includes "user age, or birth date, sex, place of residence, athletic teams of interest, stock portfolio information, etc." Each of these user profile parameters describe information that is current to a user to enable the query system to respond to a query from the user with information related to the user profile. However, the user profile of Kay does not teach having "at least one past geographic location of interest to a user" as recited in Applicants' amended independent claims 1, 17, 33, and 49. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. 102(e) of independent claims 1, 17, 33, and 49 be withdrawn.

Claims 2, 18, 34, and 50, which depend from independent claims 1, 17, 33, and 49, respectively, should be allowable for at least the same reasons as those set forth for the respective independent claims.

With regard to the rejections of claims 1, 9-10, 13-17, 25-26, 29-33, 41-42, 45-49, 57-58, and 61-65 under 35 U.S.C. 102(e) as being anticipated by Rosenfeld, Applicants have amended independent claims 1, 17, 33, and 49. As described above, Applicants have amended independent claims 1, 17, 33, and 49 to recite that the "geographic locations of interest to a user" are "present and at least one past geographic locations of interest to a user."

Phelan et al. -- Appln. No.: 10/072,962

Rosenfeld is directed to a location-based weather system that enables a user to create a user profile (FIG. 5A). The user may set alerts to provide notification for a variety of weather and environmental events (FIG. 3). Alerts may also be set up based on third-party location (FIG. 5B) and favorite locations (FIG. 5C). Rosenfeld may respond to a query or request or be set up to auto-initiate (paragraph 33). However, the user profile of Rosenfeld does not teach having "at least one past geographic location of interest to a user" as recited in Applicants' amended independent claims 1, 17, 33, and 49. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. 102(e) of independent claims 1, 17, 33, and 49 be withdrawn.

Claims 9-10 and 13-16, which depend from independent claim 1, claims 25-26 and 29-33, which depend from independent claim 17, claims 41-42 and 45-48, which depend from independent claim 33, and claims 57-58 and 61-65, which depend from independent claim 49, should be allowable for at least the same reasons as described above with respect to the independent claims. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. 102(e) be withdrawn.

With regard to the rejection of claims 3-4, 19-20, 35-36, 51-52 under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Abo, Abo is directed to an information service device having simple data retrieval capabilities. Abo describes a control unit that receives present position and determines location data that is nearest to the present position from among location data stored in a database (Abstract). The present position may be determined using a variety of techniques, including a global positioning system (GPS) (Col. 3, lines 40-45). The information may thereafter be displayed for a user. Abo, however, does not teach or suggest "present and at least one past geographic

Phelan et al. -- Appln. No.: 10/072,962

locations of interest to a user," as now recited in the respective amended independent claims from which claims 3-4, 19-20, 35-36, 51-52 depend. Further, the combination of Kay and Abo does not teach or suggest "present and at least one past geographic locations of interest to a user." Accordingly, dependent claims 3-4, 19-20, 35-36, 51-52 should be allowable for at least the same reasons as the respective independent claims 1, 17, 33, and 49, and Applicants respectfully request that the rejection of claims 3-4, 19-20, 35-36, 51-52 under 35 U.S.C. 103(a) be withdrawn.

With regard to the rejection of claims 5-8, 21-24, 37-40, and 53-56 under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Campbell, Campbell describes a system for providing zip code linked websites. The system establishes a network node containing public and private information related to geographic zones or zip codes (Abstract). The system responds to requests from a user by providing information or access to information from zones corresponding to the geographic area of the user (Abstract). The system, however, is limited to a current geographic area of the user and does not teach or suggest "present and at least one past geographic locations of interest to a user," as now recited in the amended independent claims from which dependent claims 5-8, 21-24, 37-40, and 53-56 depend. Further, the combination of Kay and Campbell does not teach or suggest "present and at least one past geographic locations of interest to a user." Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. 103(a) should be withdrawn.

With regard to the rejection of claims 66-67 under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Olivier, Olivier describes dynamically matching users for group communications based on a threshold degree of matching of sender and

Phelan et al. -- Appln. No.: 10/072,962

recipient predetermined acceptance criteria (Title). The system enables users to establish subscriptions to an electronic mailing list by specifying user profile data and acceptance criteria data to screen for other users (Abstract). The user profile data is described to include location and geographic location of interest. However, Olivier fails to teach or suggest "present and at least one past geographic locations of interest to a user," as recited in the amended independent claim 49 from which claims 66-67 depend. Further, the combination of Kay and Olivier fails to teach or suggest "present and at least one past geographic locations of interest to a user." Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. 103(a) of claims 66-67 be withdrawn.

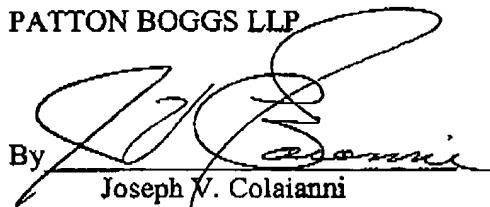
Claims 68-75 are being added. Support for these claims may be found in FIG. 2 and the originally filed specification that describes FIG. 2. These claims depend from the independent claims and should be allowable for at least the same reasons.

Accordingly, the claims are believed to be in form for allowance, and such an action is hereby requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, please telephone the undersigned at the number below.

Respectfully submitted,

PATTON BOGGS LLP

By



Joseph V. Colaianni

Reg. No.: 20,019

Tel. No.: (202) 457-6174

Fax No.: (202) 457-6315

2550 M Street, N.W.

Phelan et al. -- Appln. No.: 10/072,962

Washington, D.C. 20037
(202) 457-6000